

## **REMARKS**

Reconsideration and allowance in view of the following amendments and the following remarks are respectfully requested.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted prior art (APA). Applicant respectfully traverses the rejection for the following reasons.

Applicant asserts that the cited reference does not disclose, teach or suggest all the features of the present invention.

According to the present invention, the second inter-layer insulation layer having a surface level lower than that of the lower electrode is formed by depositing a first insulation layer on the first inter-layer insulation layer and the lower electrode and performing a blanket etch-back process to the first insulation layer until a surface of the lower electrode is exposed. By including the above-mentioned steps originally included in claim 2, the lower electrode can be formed without using the chemical mechanical polishing (CMP) process. As described in the APA, the CMP process has drawbacks, e.g., the impurity diffusion barrier layer can be damaged during the CMP process. However, according to the present invention, the lower electrode is formed by the CMP process after the second inter-layer insulation layer and the diffusion barrier layer are sequentially formed on the first inter-layer insulation layer. Therefore, the impurity diffusion barrier layer can be damaged during the CMP process.

In view of the foregoing, it is submitted that all outstanding requirements have been complied with and the claims pending for examination, namely claims 1 and 3– 8 are in condition for allowance, which early action is requested.

If there are any fees due in connection with the filing of this response, please charge

those fees to our Deposit Account No. 02-2666. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

**PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on OCTOBER 20, 2004, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to JANUARY 20, 2005. Attached is a check in the amount of \$120 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN

Dated:

1/24/05

By: 

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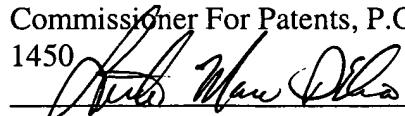
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**CERTIFICATE OF MAILING:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class Mail, With Sufficient Postage, In An Envelope Addressed To: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 Linda Marie D'Elia

1-24-05

January 24, 2005